

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



April 27, 1988

ALL COUNTY INFORMATION NOTICE 1-34-88

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY COUNSELS

SUBJECT: FEDERAL TITLE IV-B/IV-E COMPLIANCE REVIEW CONDUCTED
JANUARY 26-29, 1987

REFERENCE:

This is to inform you of the results of the Federal Title IV-B/IV-E compliance review conducted in Los Angeles, Sacramento, and San Francisco January 26-29, 1987. We are pleased to inform you that California has been found in compliance with Section 427 of the Social Security Act for fiscal year 1984.

In a letter received from the Department of Health and Human Services Region IX headquarters on February 12, 1988 we were informed that the Federal Case Record Survey confirmed "...foster care protections were being provided in at least 80 percent of the cases." Eighty-five of the 109 cases reviewed were acceptable.

Congratulations to all the Counties who participated in this review. Thank you for your cooperative effort in making your cases available. We are especially appreciative of your help in making the last minute change in drawing the sample.

Counties have expressed an interest in the forthcoming Triennial Review; the review is scheduled to be conducted in September of 1988. The sample will be drawn from cases open for at least six continuous months during the Federal Fiscal Year 1987. The three critical elements and 18 other statutory requirements (see attachment) are the same as those for the case record review just completed. However, 90 percent of the cases reviewed must pass for California to be found in compliance. In order for a case to pass it must meet the three critical elements and 15 of the 18 other statutory requirements. There will be no 90-day grace period for periodic court/administrative reviews.

The reason for failure of cases in the January 1988 review centered around the lack of documentation and timeliness of case plans, periodic reviews and dispositional hearings. Federal compliance reviewers also stress the organization of documents in the case folders. The County Welfare Directors Association and

State staff are presently developing corrective action training workshops that are centered around helping Counties develop systems to eliminate problems that have caused case failures in the past.

For more information specific to your County, contact your Adult and Family Services Operations Consultant at (916) 445-0623.

Again, congratulations and thanks to each of you that contributed to the success of the recent Section 427 compliance review.



LOREN D. SUTER
Deputy Director
Adult and Family Services

cc: CWDA



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children, Youth and Families

1. Log No. ACYF-PI-85-2

2. Issuance Date: 01/29/85

3. Originating Office: Children's Bureau

4. Key Word: Section 427-
Triennial Review

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7.

PROGRAM INSTRUCTION

TO : State Agencies and Indian Tribal Organizations
Administering Title IV-B of the Social Security
Act

SUBJECT : Section 427 Compliance -- Triennial Review

LEGAL AND
RELATED
BACKGROUND:

Section 427 and Section 475 of the Social
Security Act (the Act).

SUMMARY : In order to pass the Triennial Compliance Review
(TCR), at least 90 percent of the foster care
cases reviewed must meet the three critical
elements and at least 15 of the 18 other
statutory requirements.

BACKGROUND:

Section 427 of title IV-B provides that a State
may be eligible for incentive payments, if among
other things, it "has implemented and is
operating to the satisfaction of the Secretary"
certain systems providing protections for
children in foster care. However, before ACYF
conducts an initial compliance review, a State
must certify that it meets all the statutory
requirements.

These statutory requirements include the conduct
of an inventory and the implementation and
operation of a statewide information system, a
system of case review for each child in foster
care, a service program to facilitate
reunification with families, or other permanent
placements, and a preplacement preventive service
program designed to help children remain with
their families. Once a State has certified to
these protections, funds are made available to
the State.

ACYF then conducts a two-part review to verify compliance.

The first part of the compliance review determines whether a State has fully implemented its systems. This is called an administrative procedures review. In this part of the compliance review, ACYF looks at the administrative procedures a State has in place to implement the protections specified in the statute at section 427. The Department considers a State to be in compliance with this part of the review only if it has fully implemented 100 percent of the statutory provisions. This means that the inventory must have been conducted and the statewide information system, the case review system, and the services program(s) must have been implemented and be in operation. For example, reviewers verify the State's statutory or administrative procedures established to implement the case review system through administrative directives, guidelines, manuals, or working procedures with courts. State administrative procedures must make all the statutory protections mandatory and must document each and every element of the case review system. Only if the State achieves 100 percent compliance with the administrative procedures review requirements will ACYF conduct the second part of the compliance review, the case record survey.

The case record survey is a review of the operational aspect of compliance. The Secretary has exercised her discretion in determining whether States are operating their systems to her satisfaction by establishing acceptable levels of performance regarding the number of statutory protections which individual case records must contain and the number of satisfactory case records required for an acceptable State system.

Like the administrative procedures review, the case record survey also focuses on the statutory requirements found in section 427. A sample of case records is reviewed. Reviewers first determine if the three critical elements which make up the case review system are implemented for each case under review.

These critical elements, statutorily mandated in section 427(a)(2)(B) and specifically set forth in section 475(1) and (5), require that:

the case plan be a written document;

the periodic review be conducted no less frequently than once every six months; and

the dispositional hearing be conducted no later than 18 months after the child's original placement and periodically thereafter as defined by the State.

If a case record does not meet any one of these three critical elements it is considered a failed case. If a case meets the three critical elements, reviewers then determine to what extent the 18 other statutory requirements related to the three critical elements are applied to the case (see attachment I). Cases which document that the required number of elements have been met are considered acceptable.

INSTRUCTION:

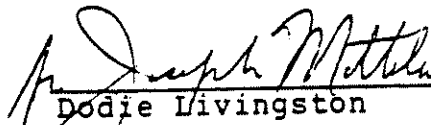
This Program Instruction identifies the three types of section 427 compliance reviews and indicates the percentage of acceptable cases required in each for a State to demonstrate eligibility for section 427 funds. In the Initial Compliance Review (ICR), at least 66 percent of the State agency's foster care cases must meet the three critical elements and, in addition, meet at least 13 of the 18 other statutory requirements. Increasingly higher levels of performance are required in later year reviews. If a State meets the ICR requirements, a compliance review is conducted for the following fiscal year. In this review, known as a Subsequent Compliance Review (SCR), at least 80 percent of the State agency's foster care cases must meet the three critical elements and at least 13 of the 18 other statutory requirements.

States that meet the requirements of the SCR will be reviewed for the third year following the year for which the SCR was conducted and for every third year thereafter. In this review, known as a Triennial Compliance Review (TCR), at least 90 percent of the State agency's foster care cases must meet the three critical elements and at least 15 of the 18 other statutory requirements.

Attachment II contains the Instructions for a section 427 Triennial Review regarding the Case Record Survey Sample and the appropriate Decision Table to be used.

EFFECTIVE: Upon Receipt

INQUIRIES TO: Regional Program Directors, ACYF


Dodie Livingston
COMMISSIONER

ATTACHMENTS:

Attachment I - Eighteen Elements

Attachment II - Instructions for Sec. 427 Triennial Reviews:
Case Record Sample Survey and Triennial Review
Decision Tables III and IV

EIGHTEEN ELEMENTS

CASE PLAN

A. THERE IS A WRITTEN CASE PLAN.

- (1) The case plan includes a description of the type of home or institution in which the child is to be placed.
- (2) The case plan discusses the appropriateness of the placement.
- (3) The case plan is designed to achieve placement in the least restrictive (most family-like) setting available consistent with the best interest and special needs of the child.
- (4) The case plan is designed to achieve placement in close proximity to the parents' home consistent with the best interest and special needs of the child.
- (5) The case plan discussed how the agency plans to carry out the judicial determination made with respect to the child in accordance with Section 472(a)(1).
- (6) The case plan includes a plan for assuring that the child receives proper care.
- (7) The case plan includes a plan for assuring that services are provided to the child and parents to improve the conditions in the parents' home and facilitate return of the child to his own home or the permanent placement of the child.
- (8) The case plan includes a plan for assuring that services are provided to the child and foster parents to address the needs of the child while in foster care.
- (9) The case plan discusses the appropriateness of the services that have been provided to the child under the plan.

PERIODIC REVIEW

B. THE STATUS OF EACH CHILD IS REVIEWED PERIODICALLY BUT NO LESS FREQUENTLY THAN ONCE EVERY SIX MONTHS BY EITHER A COURT OR AN ADMINISTRATIVE REVIEW.

(10) The periodic reviews have determined the continuing necessity for and appropriateness of the placement.

(11) The periodic reviews have determined the extent of compliance with the case plan.

(12) The periodic reviews have determined the extent of progress which has been made toward alleviating or mitigating the causes necessitating the placement in foster care.

(13) The periodic reviews have projected a likely date by which the child may be returned to the home or placed for adoption or legal guardianship.

(14) If the periodic review was an administrative review, it was open to the participation of the parents of the child.

(15) If the periodic review was an administrative review, it was conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

PROCEDURAL SAFEGUARDS

C. TO DETERMINE THE FUTURE STATUS OF THE CHILD THERE WAS A DISPOSITIONAL HEARING HELD IN ACCORDANCE WITH SECTION 475(5)(C) NO LATER THAN 18 MONTHS AFTER ORIGINAL PLACEMENT AND PERIODICALLY THEREAFTER.

(16) Procedural safeguards were applied with respect to parental rights pertaining to the removal of the child from the home of his parents.

(17) Procedural safeguards were applied with respect to parental rights pertaining to a change in the child's placement.

(18) Procedural safeguards were applied with respect to parental rights pertaining to any determination affecting visitation rights.

INSTRUCTION FOR SEC. 427 TRIENNIAL REVIEW
CASE RECORD SURVEY SAMPLE
TRIENNIAL REVIEW DECISION TABLES III AND IV

Triennial Review Criteria

The Triennial Review, completed for the third year after a State has passed its Subsequent Review requires a 90 percent level of acceptable case records from the State file of open and closed cases in which the child was in foster care for at least six months during the year under review. This necessitates the use of Decision Tables III and IV.

Sample Size

States with 1,000 or more children who were in continuous foster care for six or more months during the year under review, including both open and closed cases, will require a review of a random sample of 150 case records. States with less than 1,000 children who were in continuous foster care for six or more months during the year under review (open and closed cases) will require a review of a random sample of 81 case records.

Decision Tables III and IV

There are two Decision Tables for sequential sampling to be used for the Triennial Review. Decision Table III is to be used with States with 1,000 or more children in foster care; and Decision Table IV is to be used with States with less than 1,000 children in foster care as of the end of the fiscal year for which additional funds were claimed. The two tables are used in a similar manner, except for the cut-off in the reading of case records; 150 case records for Table III and 81 case records for Table IV. The instructions for using Decision Table III and Decision Table IV are the same.

- Col. 1. Case Record I.D. - The review supervisor enters case by case the case record I.D. of every case that is reviewed in the sequence in which the review is completed. This would follow the random reading sequence allowing for deletion of case records that do not meet selection criteria.

2. Number of Records Reviewed - This is a sequential listing of the cumulative number of records reviewed beginning with 1 and ending with 150 (or 81 for Decision Table IV) for the last record that may be evaluated, e.g., the number 54 would indicate that a total of 54 records have been reviewed.
3. Acceptance Number - This column represents the maximum number of "Unacceptable" case records that are necessary to make the decision that the State is in compliance. No decision to accept a State can be made before at least 45 (or 26 for Decision Table IV) case records have been reviewed. At that point in the review there cannot be any "Unacceptable" case records. The total number of "Unacceptable" case records cannot exceed 15 (or 8 for Decision Table IV) for the State to be in compliance.
4. Unacceptable: Actual/Cumulative - This represents the actual and cumulative total of "Unacceptable" case records. The Review Supervisor enters the actual and cumulative total number of "Unacceptable" case records in this column as each record review is completed and the results are transferred from the Reviewer's Tally Sheet to the Decision Table. Enter "0" for an "Acceptable" case record and "1" for an "Unacceptable" case record. This cumulative total of "Unacceptable" case records is compared line by line with the corresponding figures in columns 3 and 5. Whenever the number in this column equals the number of either column 3 or 5 the review process stops and a decision is made. If the cumulative number in column 4 equals the number in column 3 the decision is made to consider the State in compliance. If the cumulative total in column 4 is between the numbers in columns 3 and 5 the review process continues until the 150th (or 81st for Decision Table IV) case record is reviewed.

Since a State must pass at the 90 percent level, a State is considered to have passed the case record survey only if the accumulated total number of Unacceptable records, Column 4, does not exceed the Acceptance Number in Column 3. For samples of 150 cases, the maximum number of Unacceptable case records is 15; for samples of 81 case records the maximum number of Unacceptable case record is 8.

5. Rejection Number - This column represents the minimum number of "Unacceptable" case records that are necessary to make the decision that the State is not in compliance.
6. Reviewer's Initials - The reviewer initials the entry made by the supervisor for each completed case record reviewed.
7. Supervisor's Initials - The Review Supervisor initials the entry made for each completed case record reviewed.

Technical Note: Statistical Computation

The sequential probability ratio test was used for the binomial distribution. The four quantities that completely determine the sequential inspection plan for States with 1,000 or more children who were in continuous foster care for six or more months during the year under review are:

o $P_1 = .10$

The acceptable quality limit expressed as a fraction of unacceptable case records.

o $P_2 = .20$

o $\alpha = .001$

Type I Error

o $\beta = .005$

Type II Error

Using these four quantities the formulae for the Acceptance Numbers (Column 3) and Rejection Numbers (Column 5) of Decision Table III are:

Acceptance Number = $-6.5303 + .1452 \times \# \text{ of records reviewed.}$

Rejection Number = $8.5119 + .1452 \times \# \text{ of records reviewed.}$

Similarly, the four quantities that determine the sequential sampling plan for States with less than 1,000 children who were in continuous foster care for six or more months during the year under review are:

o $P_1 = .10$

The acceptable quality limit expressed as a fraction of unacceptable case records.

o $P_2 = .20$

o $\alpha = .01$

Type I Error

o $\beta = .05$

Type II Error

The formulas for the Acceptance Numbers (Column 3) and the Rejection Numbers (Column 5) of Decision Table IV are:

Acceptance Number = $-3.6817 + .1452 \times \# \text{ of records reviewed.}$

Rejection Number = $5.6155 + .1452 \times \# \text{ of records reviewed.}$

TRIENNIAL REVIEW DECISION TABLE III

Review Supervisor _____		State _____	
Telephone Number _____		Dates _____	

1 Case Record I.D.	2 Number Records Reviewed	3 Acceptance Number	4 Unacceptable* Actual Cumulative	5 Rejection Number	6 Reviewer's Initial	7 Supervisor's Initial
1	1	-		-		
2	2	-		-		
3	3	-		-		
4	4	-		-		
5	5	-		-		
6	6	-		-		
7	7	-		-		
8	8	-		-		
9	9	-		-		
10	10	-		10		
11	11	-		11		
12	12	-		11		
13	13	-		11		
14	14	-		11		
15	15	-		11		

*Accept = 0
Reject = 1